

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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ARDITA DAJBABIC,

Plaintiff,

- against -

RICK'S CAFÉ and JOSEPH ALIOTTA,

Defendants.  
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GERSHON, United States District Judge:

ORDER

12-cv-2808 (NG)(RLM)

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.  
★ AUG 8 - 2013 ★

**BROOKLYN OFFICE**

I am in receipt of the letters dated August 2 and August 6, 2013, from Matthew J. Blit, counsel to plaintiff, and the letter dated August 6, 2013 from Michael K. Chong, counsel to defendant. It is clear from the e-mail correspondence between the parties (copies of which have been provided), as well as from the August 6 letter from Mr. Chong, that the parties have agreed to settle this case for \$2,000. The parties are directed to consummate the settlement within 30 days of the date of this Order.

With respect to the issue of attorneys' fees, I am satisfied, based upon Mr. Chong's letter, that the parties also have agreed to submit the issue of reasonable attorneys' fees to the court for resolution. As to the end date of the period for which fees may be sought, Mr. Chong indicates that "Defendants will leave this determination to [the court's] wise discretion, as Defendants seek to comply with [the court's] recommendation to resolve this matter." (Chong Letter, August 6, 2013, at 1.) Accordingly, in the exercise of my discretion and based upon my familiarity with this matter, I have determined that such date is February 12, 2013. Plaintiff's counsel is directed to serve and

file his attorneys' fee request with appropriate documentation on or before August 30, 2013. Defendants' responding papers are to be served and filed by September 13, 2013. Any reply shall be served and filed by September 20, 2013.

In the further exercise of my discretion, I deny plaintiff's application for fees relating to the recent correspondence as a sanction against defendants.

SO ORDERED.

Date: August 7, 2013  
Brooklyn, NY

s/Nina Gershon  
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NINA GERSHON  
United States District Judge